

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

OHIO COAL ASSOCIATION, et al.,	:	Case No.: 2:14-cv-2646
	:	
and	:	Related Case No.: 2:15-cv-448
	:	
MURRAY ENERGY CORPORATION, et al.,	:	JUDGE JAMES L. GRAHAM
	:	
	:	MAGISTRATE JUDGE ELIZABETH P.
Plaintiffs,	:	DEAVERS
	:	
v.	:	
	:	
R. ALEXANDER ACOSTA,¹ SECRETARY OF LABOR, and THE MINE SAFETY AND HEALTH ADMINISTRATION,	:	JOINT STATUS REPORT OF THE PARTIES
	:	
	:	
Defendants.	:	

By order of the Court, the parties hereby present their joint status report.

1. Under a June 11, 2018 Order (ECF No. 62 in 15-cv-448 and ECF No. 87 in 14-cv-2646), the Court extended a stay of these proceedings, granting the parties additional time to pursue settlement discussions and requiring them to file a joint report by September 10, 2018 if the matter had not been dismissed.

2. Since the stay first began, the parties have convened numerous settlement conferences via telephone, attended by counsel for all parties and, in most instances, representatives of the parties in both of the related cases. Counsel for the parties have also communicated via e-mail and telephone throughout the pendency of the stay to exchange information and discuss the parties' respective positions.

¹ Pursuant to Federal Rule of Civil Procedure 25(d), R. Alexander Acosta, in his official capacity as Secretary of Labor, has been substituted for Thomas E. Perez.

3. On October 19, 2017 the parties conducted an in-person conference between counsel and party representatives at MSHA headquarters in Arlington, Virginia for the purpose of exploring potential settlement terms.

4. In December of 2017, Plaintiffs made a detailed proposal to MSHA. In April 2018, MSHA responded to the Plaintiffs with its own detailed proposal. While the parties' respective proposals shared common elements, there remain terms that have not fully been agreed upon.

5. Following the exchange of proposals, the parties have continued to communicate about the outstanding issues. In late June 2018, counsel for the parties participated in a conference call in which they discussed in depth the differences between the proposals exchanged by Plaintiffs and MSHA.

6. Following the June 2018 telephone conference, MSHA requested that Plaintiffs provide a further written proposal. Plaintiffs agreed to do so, but due to the multitude of Plaintiffs providing input and approval, the document has not been finalized for transmission to MSHA. Plaintiffs expect to transmit a document to MSHA during the week of September 10, 2018.

7. As the foregoing demonstrates, the parties continue to discuss potential terms of a mutually agreeable negotiated resolution of these related actions and have made significant progress toward that end. To facilitate these ongoing discussions, the parties respectfully request an extension of the current stay.

8. In previous joint status reports, the parties have requested either 90- or 120-day stays, and the Court has extended the stay accordingly and ordered a joint status report at the end of the stay. Because of the multitude of Plaintiffs and MSHA personnel involved in the review of the various proposals exchanged by the parties, as well as the intervening holidays during the

next 120 days, the parties respectfully request that the Court extend the stay for another 180 days. In addition, the parties propose that they file a joint status report in 90 days to update the Court on their progress in negotiations. The parties continue working to negotiate as diligently and expeditiously as possible.

Respectfully submitted,

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s/ Kari E. D'Ottavio, by s/ Vladimir P. Belo,
per authorization

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Certificate of Service

A true and accurate copy of the foregoing was electronically filed on September 10, 2018, via the Court's ECF filing system, which automatically serves notice on counsel of record in this action.

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